



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36JP/15U105905

July 30, 2015

Sent via email to: [REDACTED]

Mr. Peter Westwick
[REDACTED]

Dear Mr. Westwick:

This is in reference to your Freedom of Information Act (FOIA) request dated February 27, 2009, originally addressed to the OSD/JS FOIA Requester Service Center. Your request was forwarded to our office on March 19, 2013, and was assigned case number **DON-NAVY-2014-000782**. On February 11, 2015, we responded to your request, releasing one document and advising that we had referred the other to the U.S. Department of Energy (DOE) for action and direct response to you. DOE assigned your request case number **20150008423-HS**, conducted a review, and returned the document to our office with release recommendations. We received DOE's release recommendations on May 19, 2015, and assigned the package case number **DON-NAVY-2015-006114**.

A releasable copy of the Document titled "BASSOON IV, 27 Apr 1965, Report 164" is enclosed. Per the additional enclosed document, DOE recommended withholding of information about weapon yields that has been classified as Formerly Restricted Data (FRD), in accordance with 5 U.S.C. § 552(b)(3). 5 U.S.C. § 552(b)(3) exempts information from disclosure under the FOIA when such information is specifically exempted from disclosure under another statute. In this instance, FRD is specifically exempted from disclosure under 42 U.S.C. § 2011 et seq. With the exception of this portion, the record is released to you in its entirety.

Because your request is denied, under 10 CFR § 1004.8, you may appeal the denial of your request by writing to:

Director, Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

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Your appeal must be submitted within thirty calendar days from the receipt of this letter. The appeal may be delivered by U.S Mail or commercial delivery service, by electronic mail to OHA.Filings@hq.doe.gov, or by facsimile to (202) 287-1415. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. A copy of the letter containing the determination which is being appealed must be submitted with the appeal. The appeal must contain a concise statement of grounds upon which it is brought and a description of the relief sought. It should also include a discussion of all relevant authorities, including, but not limited to, DOE (and predecessor agencies) rulings, regulations, interpretations and decisions on appeals and any judicial determinations being relied upon to support the appeal. The appeal also should provide a telephone number, electronic mail address, or other means for communicating with the requester during business hours.

Questions regarding the action this office has taken during the processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the action taken by DOE, please contact a FOIA Coordinator at DOE directly at (202) 586-5955.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Patterson", with a stylized flourish extending to the right.

R. PATTERSON

Head, DON PA/FOIA Program Office